

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

KENYA D. WOOTEN, o/b/o B.F.,)	
)	
Plaintiff,)	
v.)	No. 4:08CV236-DJS
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

The matter before the Court is plaintiff Kenya Wooten's application for award of attorney's fees [Doc. #22] pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d)(1)(B). Plaintiff seeks the sum total of \$1,768.56. Defendant has no objections to the application or the amount requested.

The Court finds that plaintiff Kenya Wooten is the prevailing party in this action; that she is eligible to receive an award under 28 U.S.C. § 2412(d); that the government's position was not substantially justified; and that the attorney's fees requested by attorney Traci L. Severs are reasonable. On these findings, the Court concludes that an award of fees should be granted under the Equal Access to Justice Act, 28 U.S.C. § 2412(d). Finally, such payment shall be made directly to plaintiff's attorney. See Ratliff v. Astrue, 540 F.3d 800, 802 (8th Cir. 2008) ("[W]e hold EAJA fee awards become the property of the prevailing party's attorney when assessed...."). Accordingly,

IT IS HEREBY ORDERED that plaintiff's application for award of attorney's fees [Doc. #22] is granted.

IT IS FURTHER ORDERED that plaintiff is awarded fees in the total amount of \$1,768.56, which shall be deemed included in the judgment.

IT IS FURTHER ORDERED that the entire amount awarded, \$1,768.56, shall be made payable to Traci L. Severs, and mailed directly to counsel's address.

Dated this 5th day of February, 2009.

/s/Donald J. Stohr
UNITED STATES DISTRICT JUDGE